

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS

P.O. Box 1450 Alexandria, Virginia 22313-1450

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,150	09/11/2003	Anthony Mark Phillips	81045167/203-0147	2149
28395	7590 09/21/2004		EXAM	INER
BROOKS KUSHMAN P.C./FGTL			BEAULIEU, YONEL	
1000 TOWN CENTER				
22ND FLOOR			ART UNIT	PAPER NUMBER
SOUTHFIELD, MI 48075-1238			3661	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/605,150	PHILLIPS ET AL.			
Office Action Summary	Examiner	Art Unit			
	Yonel Beaulieu	3661			
The MAILING DATE of this communication Period for Reply	on appears on the cover sheet wit	h the correspondence address			
A SHORTENED STATUTORY PERIOD FOR F THE MAILING DATE OF THIS COMMUNICAT - Extensions of time may be available under the provisions of 37 (after SIX (6) MONTHS from the mailing date of this communicati - If the period for reply specified above is less than thirty (30) days - If NO period for reply is specified above, the maximum statutory - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ION. CFR 1.136(a). In no event, however, may a re- ion. s, a reply within the statutory minimum of thirty period will apply and will expire SIX (6) MONT statute, cause the application to become ABJ	rply be timely filed r (30) days will be considered timely. THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).			
Status					
1)⊠ Responsive to communication(s) filed on	11 September 2003.				
, <u> </u>	This action is non-final.				
3) Since this application is in condition for a					
Disposition of Claims					
4) ☐ Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) 11-19 is/are allowed. 6) ☐ Claim(s) 1-10 and 20 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.					
Application Papers					
9)☐ The specification is objected to by the Exa	aminer.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International E * See the attached detailed Office action for	iments have been received. Iments have been received in Aperical priority documents have been Bureau (PCT Rule 17.2(a)).	oplication No received in this National Stage			
Attachment(s) 1) Notice of References Cited (PTO-892)	A) Intention S	ummary (PTO-413)			
 1) ☐ Notice of References Cited (PTO-692) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-943) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/9449) 	Paper No(s)/Mail Date formal Patent Application (PTO-152)			
2) Information Disclosure Statement(s) (P10-1449 or P10/1 Paper No(s)/Mail Date <u>1/15/04 & 9/11/03</u> .	6) Other:	· · · · · · · · · · · · · · · · · · ·			

Art Unit: 3661

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 10 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific asserted utility or a well established utility.

Claim 1 calls for *coordinating rapidly changing torque demand in an automotive* vehicle. However, the receiving and determining steps have not specifically set forth any torque change coordination. Claims dependent upon claim 1 are necessarily rejected.

As to claim 20, it is not clear as to what takes place subsequent and how the receiving and determining steps are used to achieve the intended purpose of *controlling* a motor vehicle.

Claims 1- 10 and 20 are also rejected under 35 U.S.C. 112, first paragraph.

Specifically, since the claimed invention is not supported by either a speicific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Application/Control Number: 10/605,150 Page 3

Art Unit: 3661

Allowable Subject Matter

Claims 11 – 19 are allowed. The prior art of record fail to teach a vehicle comprising, among other limitations, control logic in communication with the vehicle engine, motor and a plurality of torque requesting sources, the control logic operative to

- (a) receive an engine base torque level indicating slowly changing torque produced by the engine,
 - (b) receive a request for fast desired torque,
- (c) determine as a motor torque a difference between the fast desired torque and the engine base torque level the difference being limited by at least one motor torque availability limitation,
- (d) determine as an engine fast torque a difference between the request for desired torque and the motor torque,
 - (e) determine as the motor torque request the motor torque, and
 - (f) determine as the engine torque request the engine fast torque.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

Art Unit: 3661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

